

Meeting Minutes South Dakota Council of Juvenile Services

September 25-26, 2012

Volunteers of America and Holiday Inn City Centre, Sioux Falls, SD

Tuesday, September 25, 2012 – Volunteers of America Meeting Room

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, Nancy Allard, JC Chambers, Victor Erlacher, Doug Herrmann, Judge Karen Jeffries, Susan Randall, Ella Rae Stone, Beth O'Toole, and Grant Walker.

Council of Juvenile Services Members Absent: Shawna Fullerton, Liz Heidelberger, Judge Janine Kern, Kelsey Lambert, Aaron McGowan, Tanner Starr, Joanna Vitek, Virgena Wieseler, and Michael Zellmer.

Others Present: Bridget Coppersmith and Joy Ellefson, DOC. CJS Guests, Todd Cheever, Director of Minnehaha County Juvenile Detention Center, Judge Doug Hoffman, Circuit Court Judge and JDAI Co-Chair for Minnehaha County, Carole James, Minnehaha County Deputy States Attorney, Ken McFarland, Minnehaha County Commission Department Head and JDAI Co-Chair for Minnehaha County, Traci Smith, Minnehaha County Public Defender's Office, Erin Srstka, JDAI Coordinator for Minnehaha County, Kim Wagley and Taté Walker, Volunteers of America.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Carol Twedt called the meeting to order at 4:05 PM on September 25, 2012. Chair Twedt welcomed everyone to the meeting and introductions were made.

2. MINNEHAHA COUNTY JDAI PANEL

Chair Twedt turned the meeting over to Erin Srstka to introduce and facilitate the Minnehaha County Juvenile Detention Alternatives Initiative (JDAI) Panel at 4:10 PM. Erin Srstka introduced Ken McFarland, Co-Chair of JDAI in Minnehaha County and Department Head of the Minnehaha County Commission, Traci Smith, Chief Public Defender, Carole James, Deputy States Attorney for Minnehaha County and Juvenile Prosecutor, Todd Cheever, Director of the Juvenile Detention Center, Judge Doug Hoffman, Co-Chair of JDAI in Minnehaha County and Circuit Court Juvenile Judge, and Kim Wagley and Taté Walker representing Volunteers of America and the Evening Report and Reception Center Programs.

Ken McFarland discussed his role with JDAI as both a Co-Chair and with the Commission. McFarland explained that his role has been crucial in gaining commission support for the project. McFarland noted that if the project is to succeed beyond the grants, it will be a county initiative as there is not extra money and the commission is looking to see how to redirect the money spent on secure detention to alternatives. McFarland stated that the commission needs to make sure to match up money already spending to proven and established alternatives and that his role is to educate the commission and keep them on track.

Traci Smith explained her role in the Minnehaha County Public Defender's Office and on the Steering Committee for Minnehaha County JDAI. Smith explained that the greatest impact JDAI has had on her office is that they are now requiring that a defense attorney be present at every temporary custody hearing to be able to better advocate for the child. Smith explained that previously the attorneys in her office would have juveniles once every two years making it hard to stay current with the services available to juveniles. Smith stated that now there is only one attorney assigned making it easier to collaborate with the states attorney and the JDC and to specialize in juvenile law to present a better argument on the child's behalf. Smith expressed that the benefits of the child having attorney early on are less missed court appearances, better advocacy for the youth, and reduced numbers of delays. Smith stated that the only obstacle in moving forward is the increase in the number of cases. According to the National Legal Aid and Defender Association standards, there should be one attorney for every 200 cases and from January 1- August 31, 2012, the juvenile defender already had 206 cases. Smith explained another key change with JDAI is that the use of ITV was also eliminated to have the child, attorneys, and judges in the same room.

Carole James discussed that her role with JDAI starts with charging and reviewing police reports and results with deciding who comes into the system. James added that the number of cases filed is down and she is trying to be as unbiased and effective as possible. James explained that the moment she began to see how JDAI would work was in Portland when she saw their site. James' main concern is public safety and the Portland visit helped put JDAI into perspective on how it could work in Minnehaha County and James feels that the community is safe with no major crimes because a child was released through the initiative.

Todd Cheever explained that as the Director of the Juvenile Detention Center, his role is to keep the money flowing with the county commission and oversee the JDC staff changes due to less numbers. Cheever stated that the Placement Coordinator, Lisa Berens, was a reassigned JDC staff who works very closely with everyone and gathers information, meets with the child, and comes in on weekends to make sure that the information for the attorneys and judge is complete and accurate. Cheever stated that he has seen changes that are not easy but progress as well. Cheever stated that programs have also expanded from the JDC including the home detention program, utilizing beds at Volunteer of America, and utilizing electronic monitoring. Cheever stated that some obstacles include having to work within the limitation of the JDC building which does not have the best non-secure atmosphere and accommodating the changes that need to take place following the JDAI facility inspection.

Judge Doug Hoffmann explained that the judges are one of the greatest obstacles with JDAI. Judge Hoffman stated that the presiding judge has to be on board in order to assign the most appropriate juvenile judge as the judge has the final decision on where to place the youth making it very important that that particular judge is committed to the initiative. Judge Hoffman explained that when he was preparing to be the juvenile judge, he attended trainings, site visits, and began to analyze how much options for youth actually cost which all opened his eyes to the benefit of the initiative. Judge Hoffman discussed that the kids that need to be held are those that are a danger to the community and that after following the Risk Assessment Instrument, detention numbers will go down which will free up funding for alternatives.

Kim Wagley and Taté Walker explained how the alternatives associated with the initiative were implemented and how the association and collaboration with Volunteers of America started. Walker presented a PowerPoint presentation to demonstrate the success of the Evening Report Center and explain the numerous activities that the youth are able to participate in while in the program. Walker stated that the youth all appear to enjoy the program and some have even asked for an extend stay.

Discussion ensued concerning the Facility Inspection Report, funding without support from grants, strategies for helping judges embrace the JDAI concepts, and the successful journey of JDAI in Minnehaha County.

3. TOUR OF RECEPTION CENTER AND TOUR OF EVENING REPORTING CENTER

Taté Walker provided a tour of the Reception Center and Evening Reporting Center located at Volunteers of America.

4. JUVENILE SERVICES CENTER

Todd Cheever provided a tour of the Juvenile Detention Center.

The meeting recessed for the evening at 7:40 PM.

Wednesday, September 26, 2012 – Palisades Rooms I and II Holiday Inn City Centre

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, Nancy Allard, JC Chambers, Victor Erlacher, Liz Heidelberger, Doug Herrmann, Judge Janine Kern, Susan Randall, Ella Rae Stone, Beth O'Toole, and Grant Walker.

Council of Juvenile Services Members Absent: Shawna Fullerton, Judge Karen Jeffries, Kelsey Lambert, Aaron McGowan, Tanner Starr, Joanna Vitek, Virgena Wieseler, and Michael Zellmer.

Others Present: Bridget Coppersmith and Joy Ellefson, DOC. CJS Guests, Erin Srstka, JDAI Coordinator for Minnehaha County, and Ken McFarland, Minnehaha County Commission Department Head and Minnehaha County JDAI Co-Chair.

5. WELCOME AND AGENDA REVIEW

Chair Carol Twedt asked that the meeting come out of recess at 8:38 AM on Wednesday, September 26, 2012. Chair Twedt welcomed everyone to the meeting and recommended that the topic of the Minnehaha County JDAI Budget Amendment be added to the agenda prior to the Native American Programs Update as it was not in the agenda that was sent in the mailing.

6. ELECT CHAIR AND VICE-CHAIR OF COUNCIL OF JUVENILE SERVICES

Carol Twedt turned the meeting over to Bridget Coppersmith in order to preside over the annual election of the Council Chair and Vice Chair for SFY2013. Coppersmith opened nominations for the positions of Chair and Vice-Chair.

Judge Janine Kern moved to nominate current Chair Carol Twedt as CJS Chair for FY2013 and current Vice-Chair Sheriff Mike Leidholt as CJS Vice-Chair for FY2013 Doug Herrmann seconded. Victor Erlacher moved to cease nominations for CJS Chair and Vice-Chair and cast a unanimous ballot for Carol Twedt and Mike Leidholt as CJS Chair and Vice-Chair for FY2013, Dr. Susan Randall seconded. Motion carried unanimously.

Coppersmith turned the meeting back over to re-elected chair, Carol Twedt.

7. ELECT EXECUTIVE COMMITTEE OF COUNCIL OF JUVENILE SERVICES

Chair Twedt explained that the Executive Committee is to be made up of the Council Chair, Vice- Chair, and three elected members. Coppersmith stated that the current members are Chair Twedt, Vice- Chair Leidholt, JC Chambers, Doug Herrmann, and Judge Janine Kern.

Judge Kern explained that she would need to be replaced as she received notice from the Chief Justice that Judge Jeff Davis will be appointed to her slot on the Council when her term ends in October.

Discussion ensued concerning Council Members serving on the Executive Committee and Council Member terms expiring.

Dr. Susan Randall moved to defer the election of the executive committee to the next meeting following the appointments of Council Members in October, Beth O'Toole seconded. Motion carried.

8. JUVENILE JUSTICE INVOLVEMENT POLL

Coppersmith distributed pieces of paper to have a silent and anonymous poll of prior involvement in the juvenile justices to ensure compliance with the OJJDP requirement of having three members on the State Advisory Group who have been or shall currently be under the jurisdiction of the juvenile justice system. The results were not disclosed to the group, and another poll will take place at the December meeting to account for missing and potentially new Council Members.

9. APPROVAL OF JUNE 2012 MEETING MINUTES

Sheriff Mike Leidholt moved to approve the June 2012 meeting minutes, Beth O'Toole seconded. Motion carried.

10. RATIFICATION OF DECISION FROM JUNE EXECUTIVE COMMITTEE CONFERENCE CALL

Coppersmith provided an overview of the June 28, 2012 Executive Committee Call concerning the Annie E. Casey Foundation Year 3 Grant budget. Coppersmith explained that the Executive Committee reviewed budget recommendations from the Department of Corrections and approved the recommended budget to expand JDAI to two additional jurisdictions and provide funding for statewide trainings and travel for ten participants to the JDAI National Conference.

Discussion ensued concerning the two current pilot sites and how they would not be negatively affected with the expansion, the decrease of federal funding, and the role of the JDAI Coordinators.

Dr. Susan Randal moved to ratify the decision made by the Executive Committee, Beth O'Toole seconded. Motion carried.

Vic Erlacher moved to have the agenda item of strategic planning for the future of the current two sites at the next meeting, Dr. Susan Randall seconded. Motion carried.

11. JDAI EXPANSION DISCUSSION AND STAFF DIRECTION

Coppersmith asked the Council for guidance on next steps of JDAI in South Dakota following the Conference. Coppersmith explained that Hughes and Brown Counties were the two Counties who responded to the request to send a large representation of stakeholders to the Conference, and would therefore be placed in breakout rooms with the Co-Chairs and Coordinators from existing sites to discuss the possibilities of JDAI in their jurisdictions. Coppersmith clarified that every county and tribe in South Dakota was invited to attend the Conference with an extend invitation to send a large representation to four counties and four tribes.

Sheriff Leidholt explained that if JDAI were to branch out of the two pilot sites, it would look different if smaller jurisdictions where the numbers are smaller and staff cannot be cut. Sheriff Leidholt also noted that expansion would also seem reasonable in the counties surrounding the two pilot sites using the coordination and concepts of the pilot sites.

Judge Kern expressed that the Court Expeditor position is a strong piece of JDAI that any county could take on with looking at the court system rather than the detention center specifically.

Dr. Susan Randall requested a layout of the funding that would be available over the years to come for the next meeting to see what would be available from different pots of money.

Carol Twedt requested a memo be sent in the next meeting mailing to prepare for the discussion.

Discussion ensued concerning the future of JDAI in South Dakota and the expansion of JDAI to circuits and compact counties surrounding the two pilot sites.

12. BUDGET STATUS REPORT

Coppersmith explained that the FY2009 Formula Grant period ends on September 30th and needs to be closed by the end of December. Coppersmith clarified that expenses that occurred prior to September 30th can still be reimbursed until the close date of December 29th. Coppersmith noted that OJJDP approved DOC staff to move funds among the current program areas in the budget in a manner to close the grant as the remaining amount is less than 10% of the total award. Coppersmith stated that she is expecting county reimbursements to continue to come in to cover a majority of the excess funds and that the majority of the costs of the Alternatives to Detention Conference have not been deducted yet.

Sheriff Mike Leidholt moved to authorize the DOC staff to move funds in a manner that the staff sees appropriate to zero out the grant, Dr. JC Chambers seconded. Motion carried

13. DMC INTERVENTIONS PROPOSALS

Joy Ellefson explained that the current cycle of DMC subgrants was extended with a supplemental award through September 30, 2012 and that the next cycle of DMC funding has been reserved for the two current JDAI sites. Ellefson provided an overview of Minnehaha and Pennington Counties' DMC proposals for calendar year 2013 which both contain the two components consisting of working with Burns Institute to complete a local DMC assessment which would meet a required component of the DMC process and the second component being a voucher system to access existing services for minority youth in the pre-adjudication stage that would otherwise not have a funding source for the services such as therapy, skill based classes, and educational opportunities.

Liz Heidelberger and Erin Srstka explained the two components of the proposals in greater detail and why the proposals were very similar for both jurisdictions.

Discussion ensued concerning the content of the proposals and DMC in South Dakota.

Sheriff Mike Leidholt moved to approve both DMC proposals, Judge Janine Kern seconded. Liz Heidelberger abstained herself from voting. Motion carried

14. APPROVAL OF MINNEHAHA COUNTY JDAI BUDGET AMENDMENT

Ken McFarland explained that an amendment is needed for Minnehaha County's Formula Grant of \$100,000 for JDAI in order to fully expend the award by the close of 2012. McFarland explained that the amendment covers a higher rate of reimbursement for staff time at the Reception Center and the Evening Report Center and will allow for the addition of two more days of program operation at the Evening Report Center.

McFarland discussed that without the budget amendment, Minnehaha County would have to return an amount of around \$45,000 as the money is not being spent quick enough.

Discussion ensued concerning the original budget and how the amended budget would close out the subgrant by the end of December 2012 and serve more youth with the additional days of the Evening Report Center program.

Sheriff Mike Leidholt moved to approve the Minnehaha County JDAI Budget Amendment, Nancy Allard seconded. Motion carried.

15. NATIVE AMERICAN PROGRAMS UPDATE

Coppersmith provided an informational overview of the current status of the Native American Programs subgrantees. Coppersmith explained that a new grant cycle started on July 1, 2012 and that start up has been slow for some of the tribes, but activity is starting to increase. Coppersmith explained that Lowe Brule is a new subgrantee this cycle and has noticed success so far with the talking circles and sweats for male youth.

16. FY2012 ANNUAL REPORT UPDATE

Coppersmith explained that she was looking to shorten the format of the Annual Report and reference the 3-Year Plan, rather than replicate sections of the 3-Year Plan throughout the report. Coppersmith added that the shortened format would continue to fulfill federal and state requirements associated with the report and the cost associated with printing would be cut significantly.

Discussion ensued concerning the value of keeping the Annual Report in its current format rather than shortening the resource.

Judge Janine Kern moved to keep the Annual Report in the format it currently is in, Ella Rae Stone seconded. Motion carried.

17. JUVENILE JUSTICE LEGISLATIVE WORKGROUP UPDATE

Coppersmith explained that the Workgroup met twice over conference calls and decided on its last call that the group would reconvene next summer after the decision was made that JDAI can exist in the two pilot sites without changes to statutes.

18. JUVENILE JUSTICE UPDATES

Dr. Susan Randall explained that the current contract with South Dakota Voices for Children in association with TAG will be up in December, and the current contract was for two meetings at the request of the TAG. Randall explained that since she is no longer a link with the TAG since her retirement with South Dakota Voices for Children, that it might be appropriate for the Council to ask the TAG to make a recommendation on the number of meetings they would like to have next year.

Dr. Susan Randall moved to ask the Tribal Advisor Group for guidance and direction on the frequency of meetings for next year, Sheriff Mike Leidholt seconded. Motion carried.

Dr. Susan Randall also requested that Coppersmith email the TAG agendas to the entire Council before each TAG Meeting.

Judge Janie Kern expressed her gratitude to the group and reflected on the great work the Council has accomplished since convening as the meeting would be her last as a Council Member. Judge Kern added that the Council still has a long way to go and important work to achieve. Judge Kern urged for DSS to be actively involved on the Council as well as in the JDAI initiative, for more attention to youth on reservations, more attention to FASD and Abuse and Neglect, to advocate for front end services, and to stay involved with the State Agencies. Judge Kern stated that she looked fondly on all the training opportunities she had and those, along the contact with all Council Members, helped her become a better judge and person. Judge Kern concluded with expressing that the Council Members have won her admiration and respect and that she has learned a great deal and has confidence in the group to move forward and in Judge Davis to be a good and positive addition to the Council.

19. NEXT MEETING LOCATION AND DATES

The next meeting will be December 5, 2012 at Cedar Shore Resort in Oacoma, SD.

20. WRAP-UP AND ADJOURN

At 10:42 AM, Judge Janine Kern moved to adjourn, Nancy Allard seconded. Motion carried.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist